

ARKANSAS COURT OF APPEALS
NOT DESIGNATED FOR PUBLICATION
SAM BIRD, JUDGE

DIVISION I

CA07-1030

FEBRUARY 20, 2008

LAURA LATSOS

APPELLANT

APPEAL FROM THE SEBASTIAN
COUNTY CIRCUIT COURT, FORT
SMITH DISTRICT,
[NO. JV-03-533]

V.

HON. MARK HEWETT, JUDGE

ARKANSAS DEPARTMENT OF
HUMAN SERVICES

APPELLEE

AFFIRMED

Laura Latsos appeals from the termination of her parental rights in CL (born 8/17/01) and AL (born 7/17/04). She argues that the evidence was insufficient to warrant termination. We hold that the evidence is sufficient, and we affirm.

Appellant was jailed on forgery charges in 2003 and left two-year-old CL with a cousin. The cousin later informed the Arkansas Department of Human Services (DHS) that she could not afford to keep the child. DHS took a seventy-two-hour hold on CL and obtained emergency custody of her on September 15, 2003. Upon appellant's release from prison, she regained custody of CL following an October 2003 hearing, and a protective-services case was opened. Appellant and CL then lost contact with DHS and could not be located. CL was returned to DHS custody "in absentia" in May 2004.

Appellant was found in October 2004, in jail again on forgery charges. She had also given birth to another child, AL, in July 2004. Appellant left both children with a friend while she served her time. DHS picked the children up on October 8, 2004, and obtained legal custody of AL, having already obtained legal custody of CL. The children were adjudicated dependent-neglected with the goal of reunification.

Appellant was released from jail in July 2005. She lived with a friend, went to work, obtained a car, and visited the children. However, she was arrested again in November 2005 on charges of possession of cocaine with intent to deliver; possession of methamphetamine with intent to deliver; possession of Xanax; and possession of drug paraphernalia. Review orders continued to state reunification as the goal of the case until appellant was sentenced to eight years on the above charges in February 2006. Thereafter, the goal was changed to termination of parental rights. By this point, CL had been out of appellant's custody for over two years and AL for almost as long.

At the termination hearing, appellant testified that she was currently incarcerated at the Women's Unit in Wrightsville and expected to be out by December 2007. She acknowledged that she had been "in and out of jail a lot" but said that, while she was out of jail for four months, she never missed a visit with the children. She said that CL knew who she was but that AL did not since he had only lived with her for eleven days before she was arrested in 2004. Appellant also testified that, after her release from jail in July 2005, she knew that she needed to obtain a stable home and income to reunify with the children but she had managed to get into more trouble, referring to the drug charges. She said that she had obtained her

GED in prison two months prior to the hearing; that she was taking parenting classes; that she had joined a faith-based program; and that she had “given [her] life to God.” She did not know how long it would take her to “get stable” after her release from prison this time, but she predicted it would take six months.

CL’s kindergarten teacher, Katherine Cross, testified that CL was doing “absolutely wonderful” in school and had a strong bond with her foster parents. Angela Kattich, the foster mother, said that CL and AL had been with her and her husband since October 2004 and that the children called them mom and dad. They planned to adopt the children if parental rights were terminated. DHS caseworker Robbie McKay testified about services that DHS had provided to appellant. McKay also did not feel that the children had any bond with appellant and said that AL’s visits with appellant were very traumatic to the point that he made himself sick. McKay recommended termination of parental rights based on appellant’s lack of stability and the children’s need for permanence.

On July 16, 2007, the court entered an order terminating appellant’s parental rights. The order recited that the children had been out of appellant’s custody for over thirty months and that DHS had provided reasonable services to appellant but that she was unable or unwilling to rehabilitate herself so that the children could be returned to her within a reasonable period of time. The court also found that there was little likelihood that appellant could reunify with the children within a reasonable time frame; that appellant did not comply with the majority of the case plan or court orders; that she had been sentenced to prison on

“at least two occasions”; and that the children were readily adoptable and needed permanence. Appellant appeals from that order.

Termination of parental rights is an extreme remedy and in derogation of the natural rights of the parents. *Cobbs v. Ark. Dep’t of Human Servs.*, 87 Ark. App. 188, 189 S.W.3d 487 (2004). Parental rights, however, will not be enforced to the detriment or destruction of the health and well-being of the child. *Id.* The facts warranting termination of parental rights must be proven by clear and convincing evidence, and in reviewing the trial court’s evaluation of the evidence, we will not reverse unless the court’s finding of clear and convincing evidence is clearly erroneous. *Id.* In resolving the clearly-erroneous question, we must give due regard to the opportunity of the trial court to judge the credibility of witnesses. *Id.*

Appellant seeks additional time to reunify with the children. She argues that, each time she went to jail, she made an effort to leave the children with family members or friends “in a safe environment.” Further, she says, she has not been unwilling or unable to work toward rehabilitating herself nor has she completely failed to comply with the case plan and court orders. She points to her testimony that she obtained her GED, was taking parenting classes, and, after her release from jail in July 2005, acquired a job, housing, and a car. However, appellant’s history shows that her children’s lives have been disrupted for over three years due to her persistent bad judgment and criminal behavior. Appellant lost custody of CL in 2003 after being jailed on forgery charges. She then regained custody of CL in October 2003 but disappeared for nearly a year, despite a protective-services case having been opened. During that time, she was again sent to jail. Upon her release, appellant was arrested within four or

five months on serious drug charges, including two counts of intent to deliver, for which she received eight years in prison. Imprisonment is not conclusive on the termination issue, but it naturally has a bearing on the court's decision. *See Crawford v. Ark. Dep't of Human Servs.*, 330 Ark. 152, 951 S.W.2d 310 (1997).

Moreover, our termination statutes exist to provide permanency in a juvenile's life in all instances in which the return of a juvenile to the family home is contrary to the juvenile's health, safety, or welfare and it appears from the evidence that a return to the family home cannot be accomplished in a reasonable period of time as viewed from the juvenile's perspective. Ark. Code Ann. § 9-27-341(a)(3) (Supp. 2007). CL and AL have been out of appellant's custody for over three years, which, in AL's case, constitutes virtually his entire life. The children have bonded with their foster parents, who want to adopt them. Further, appellant estimated that it could take her as long as six months after release from her current incarceration to obtain a job and stable housing, which would add to the very lengthy period that these children have been awaiting a permanent placement.

Under these circumstances, we cannot say that the trial court clearly erred in terminating appellant's parental rights.

Affirmed.

HART and MARSHALL, JJ., agree.